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June 10, 2024

VIA ECF

The Honorable Valerie Figueredo
United States Magistrate Judge
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Harrington Global Opportunity Fund, Ltd. v. CIBC World Markets Corp.*, No. 21-cv-761

Dear Judge Figueredo:

We write on behalf of all defendants in the above-captioned matter. Pursuant to the Protective Order, ECF No. 111, and Your Honor's Individual Rules and Procedures for Civil Cases Rules I.a. and I.g.2, we write to request approval to file under seal, and publicly file redacted, certain portions of a letter to be filed by all defendants requesting a pre-motion conference to compel the production of information and documents, and certain portions of exhibits to be appended to that letter.

The letter contains descriptions of the deposition testimony of plaintiff's corporate designee Danny Guy, and the exhibits consist of certain excerpts of the transcripts of Mr. Guy's depositions. The Protective Order provides that the parties "may designate as confidential for protection under this Protective Order, in whole or in part, any document, information, or material that constitutes or includes, in whole or in part, confidential or proprietary information or trade secrets of the Party or a Third Party to whom the Party reasonably and in good faith believes it owes an obligation of confidentiality with respect to such document, information, or material." Plaintiff has designated the depositions of Mr. Guy as its corporate designee and in his individual capacity as confidential. Thus, Defendants seek to file under seal references in the letter to Mr. Guy's deposition testimony and excerpts of the deposition transcripts in the exhibits.

Pursuant to Your Honor's Individual Rules and Practices, defendants are publicly filing their letter and exhibits with proposed redactions and electronically filing under seal a copy of the unredacted documents with the proposed redactions highlighted.

Finally, the Appendix below lists the parties and their counsel of record who should have access to the sealed documents.

Respectfully submitted,

/s/ David S. Lesser

David S. Lesser

Enclosures

cc: All Counsel of Record

MEMO ENDORSED



HON. VALERIE FIGUEREDO
UNITED STATES MAGISTRATE JUDGE

DATED: June 11, 2024

The sealing request herein is granted in accordance with the Protective Order (ECF No. 111). The Clerk of Court is directed to maintain the viewing restrictions on ECF No. 305. The Clerk of Court is also respectfully directed to terminate the Motion at ECF No. 301.

Appendix

The following parties and attorneys of record should have access to the sealed documents:

Plaintiff Harrington Global Opportunity Fund, Limited

HOLWELL SHUSTER & GOLDBERG LLP

Richard J. Holwell

Gregory Dubinsky

Matthew Gurgel

Andrew C. Indorf

Aditi Shah

WARSHAW BURSTEIN, LLP

Alan M. Pollack

Felicia S. Ennis

Thomas Filardo

Leron Thumin

Matthew A. Marcucci

CHRISTIAN ATTAR

James Wes Christian

Ardalan Attar

Defendants BofA Securities, Inc. and Merrill Lynch Canada, Inc.

O'MELVENY & MYERS LLP

Abby F. Rudzin

William J. Martin

Defendants TD Securities, Inc. and TD Securities (USA) LLC

KING & SPALDING LLP

Jamie S. Dycus

David Lesser

Jenny Pelaez

Defendants CIBC World Markets Inc. (Canada)

DENTONS

Sandra D. Hauser

Stephen S. Senderowitz

Timothy J. Storino